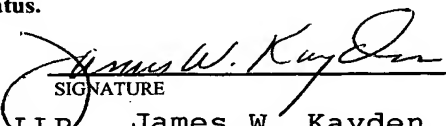


FORM PTO-1390 (REV. 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 80350-1240
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5 To Be Assigned 10/501645
INTERNATIONAL APPLICATION NO. PCT/FR02/03933	INTERNATIONAL FILING DATE 15 November 2002	PRIORITY DATE CLAIMED 15 January 2002	
TITLE OF INVENTION Gastric Ring Made of Variable Hardness Elastomeric Material			
APPLICANT(S) FOR DO/EO/US BENCHETRIT, Salomon			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 			
Items 11 to 20 below concern document(s) or information included:			
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Copy of PCT/RO/101; Copy of PCT Publication 			

U.S. APPLICATION NO. 10/4301645 To: Assigned			INTERNATIONAL APPLICATION NO. PCT/FR02/03933		ATTORNEY'S DOCKET NUMBER 80350-1240	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =					CALCULATIONS PTO USE ONLY	
					\$ 920.00	
					\$ 130.00	
					\$ 1050.00	
					\$ -525.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$ 130.00	
CLAIMS			NUMBER FILED		NUMBER EXTRA	
Total claims			20 - 20 =		0	
Independent claims			2 - 3 =		0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00		\$	
TOTAL OF ABOVE CALCULATIONS =					\$ 1050.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$ -525.00	
SUBTOTAL =					\$ 525.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$	
TOTAL NATIONAL FEE =					\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +					\$	
TOTAL FEES ENCLOSED =					\$ 525.00	
					Amount to be refunded:	
					charged:	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-0778</u> A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>James W. Kayden Thomas, Kayden, Horstemeyer & Risley, LLP 100 Galleria Parkway, NW Suite 1750 Atlanta, GA 30339</p>						
 SIGNATURE					NAME	
					31,532	
REGISTRATION NUMBER						

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
UNDER THE PATENT COOPERATION TREATY

In Re Application of: **Benchetrit**
U.S. Serial No.: TBA
(Nat. Phase of Int. Appl. No.: PCT/FR02/03933)
U.S. Filing Date: Herewith
(Int. Filing Date: 15 November 2002)
Title: GASTRIC RING MADE OF VARIABLE HARDNESS ELASTOMERIC MATERIAL
Atty Docket No.: 80350-1240

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

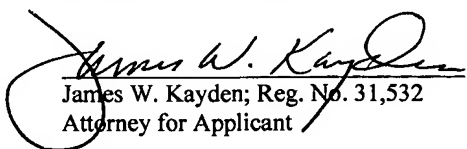
Sir:

Enclosed for filing in the above-captioned International application are the following documents:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US);
2. Fee Calculation Sheet (in duplicate);
3. A Credit Card Authorization Form;
4. A translated International Application, including 16 pages of Description; 4 pages of Claims; a page of Abstract; and 3 sheets of Drawings (depicting Figures 1-8);
5. Preliminary Amendment;
6. Copy of PCT/R0/101 (PCT Request);
7. Copy of PCT Publication WO 03/059215 A1;
8. Information Disclosure Statement, including a copy of the International Search Report, Form 1449 and six (6) references; and
9. Return receipt postcard.

The Commissioner is authorized to charge the deposit account No. 20-0778 any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0778.

Respectfully submitted,

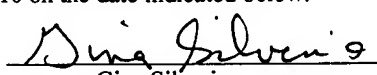

James W. Kayden; Reg. No. 31,532
Attorney for Applicant

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway, N.W.
Atlanta, GA 30339-5948
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Facsimile: (770) 951-0933

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service as "Express Mail", under Express Mail Label No. **EV 437536597 US** service under 37 CFR 1.10 on the date indicated below.

Date:

July 15, 2004


Gina Silverio